

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

CASE NO. 2:23-cv-11718-RJW-APP

YAAKOV APELBAUM,
and XRVISION, LTD.,

Plaintiff,

v.

STEFANIE LAMBERT, THE
LAW OFFICE OF STEFANIE
L. LAMBERT, PLLC, and
BILL BACHENBERG,

Defendants.

/

**DEFENDANTS STEFANIE LAMBERT AND
THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC'S
ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT**

The Defendants, STEFANIE LAMBERT, THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, by and through their undersigned counsel, file this, their Answer and Affirmative Defenses to the Plaintiffs, YAAKOV APELBAUM and XRVISION, LTD's Complaint and state as follows:

1. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1.

2. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2.

3. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3.

4. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4.

5. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5.

6. Admitted.

7. Admitted to the extent that The Law Office of Stefanie L. Lambert, PLLC, is a Michigan professional limited liability company. Denied in all other respects.

8. Admitted.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied

28. Denied

29. Denied

30. Denied

31. Denied

32. Denied

33. Denied

34. Denied

35. Denied

36. Denied

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

Count 1 – Libel With Common Law Malice
Brought by Plaintiffs Against Defendants Lambert and PLLC

63. No Response Required.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

Count 2 – Libel With Actual Malice
Brought by Plaintiffs Against Defendants Lambert and PLLC

79. No Response Required.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

Count 3 – Slander With Common Law Malice
Brought by Plaintiffs Against Defendants Lambert and PLLC

96. No Response Required.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

Count 4 – Slander With Actual Law Malice
Brought by Plaintiffs Against Defendants Lambert and PLLC

111. No Response Required.

112. Denied.

113. Denied.

114. Denied.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

119. Denied.

120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

125. Denied.

126. Denied.

127. Denied.

128. Denied.

Count 5 – Breach of Contract

Brought by Plaintiffs Against Defendants Lambert, PLLC, and Bachenberg

129. No Response Required.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. Denied.

136. Denied.

Count 6 – Tortious Interference

Brought by Plaintiffs Against Defendants Lambert and PLLC

137. No Response Required.

138. Denied.

139. Denied.

140. Denied.

141. Denied.

142. Denied.

143. Denied.

Count 7 – Promissory Estoppel
Brought by Plaintiffs Against Defendants Lambert, and PLLC

144. No Response Required.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

Count 8 – Promissory Estoppel
Brought by Plaintiffs Against Defendant Bachenberg

149. No Response Required.

150. Denied.

151. Denied.

152. Denied.

153. Denied.

Count 9 – Quantum Meruit / Unjust Enrichment
Brought by Plaintiffs Against Defendant Bachenberg

154. No Response Required.

155. Denied.

156. Denied.

157. Denied.

158. Denied.

159. Denied.

160. Denied.

161. Denied.

162. Denied.

Count 10 – Quantum Meruit / Unjust Enrichment
Brought by Plaintiffs Against Defendants Lambert and PLLC

163. No Response Required.

164. Denied.

165. Denied.

166. Denied.

167. Denied.

168. Denied.

169. Denied.

170. Denied.

171. Denied.

Affirmative Defenses to Count 1

Substantial Truth

1. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 1 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made were either true or substantially true.

Failure to Provide Notice of Retraction

2. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 1, that the Plaintiffs failed to provide notice to the Defendants to publish a retraction or allow a reasonable time to do so. Therefore, the Plaintiffs are prohibited from recovery of exemplary or punitive damages pursuant to Michigan Statute 600.2911 (2)(b).

Qualified Privilege

3. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 1 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in good faith, related to matters of public importance, namely the 2020

presidential election voting system, made during the time that there was a dispute relating to the 2020 Presidential Election, where any such statements themselves were limited to a matter of public interest, namely the 2020 Presidential Election, and those statements were directed at the proper parties to whom such statements should be addressed, state legislatures and state senators. Hence, as alleged by the Plaintiffs, the Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, statements are privileged communications for which a qualified privilege arises.

Fair Comment

4. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 1 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made were made in relation to a matter of legitimate public interest, the 2020 Presidential Election, and made without any actual malice, and if factually incorrect, were not made with knowledge of their falsity or reckless disregard for the truth.

Noerr–Pennington Doctrine

5. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their Fifth Affirmative Defense to

Count 1, that any and all alleged libel, as claimed by the Plaintiffs, involve activities by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, directed towards influencing government actions. Therefore, the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are immune to liability for such alleged torts pursuant to the *Noerr-Pennington* Doctrine as such allegations relate to influencing decision-making by government bodies.

6. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 1 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

7. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to all counts subsequent to Count 1 should be dismissed for failure to plead a cause of action pursuant to Rule 12(b)(6) F.R.Civ.P. as the pleading is a Shotgun pleading where the allegations of each count are incorporated in the subsequent counts.

8. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their eighth Affirmative Defense to Count 1 Plaintiff's claims are barred by the Statute of Limitations.

9. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their ninth Affirmative Defense to Count 1 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 2

Substantial Truth

10. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 2 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made were substantially true.

Failure to Provide Notice of Retraction

11. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 2, that the Plaintiffs failed to provide notice to the Defendants to publish a retraction or allow a reasonable time to do so. Therefore, the Plaintiffs are prohibited from recovery of exemplary or punitive damages pursuant to Michigan Statute 600.2911 (2)(b).

Qualified Privilege

12. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF

STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 2 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in good faith, related to matters of public importance, namely the 2020 presidential election voting system, made during the time that there was a dispute relating to the 2020 Presidential Election, where any such statements themselves were limited to a matter of public interest, namely the 2020 Presidential Election, and those statements were directed at the proper parties to whom such statements should be addressed, state legislatures and state senators. Hence, as alleged by the Plaintiffs, the Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, statements are privileged communications for which a qualified privilege arises.

Fair Comment

13. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 2 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in relation to a matter of legitimate public interest, the 2020 Presidential Election, and made without any actual malice, and if factually incorrect, were not made with knowledge of their falsity or reckless disregard for the

truth.

Noerr–Pennington Doctrine

14. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their Fifth Affirmative Defense to Count 2, that any and all alleged libel, as claimed by the Plaintiffs, involve activities by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, directed towards influencing government actions. Therefore, the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are immune to liability for such alleged torts pursuant to the *Noerr–Pennington* Doctrine as such allegations relate to influencing decision-making by government bodies.

15. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 2 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

16. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to Count 2 that any recovery by Plaintiffs is barred by the Statute of Limitations

17. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF

STEFANIE L. LAMBERT, PLLC, claim as their eighth Affirmative Defense to Count 2 that the Plaintiff's claims are barred by the doctrine of laches.

18. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their ninth Affirmative Defense to Count 2 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 3

Substantial Truth

19. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 3 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made were substantially true.

Failure to Provide Notice of Retraction

20. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 3, that the Plaintiffs failed to provide notice to the Defendants to publish a retraction or allow a reasonable time to do so. Therefore, the Plaintiffs are prohibited from recovery of exemplary or punitive damages pursuant to Michigan Statute 600.2911 (2)(b).

Qualified Privilege

21. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 3 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in good faith, related to matters of public importance, namely the 2020 presidential election voting system, made during the time that there was a dispute relating to the 2020 Presidential Election, where any such statements themselves were limited to a matter of public interest, namely the 2020 Presidential Election, and those statements were directed at the proper parties to whom such statements should be addressed, state legislatures and state senators. Hence, as alleged by the Plaintiffs, the Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, statements are privileged communications for which a qualified privilege arises.

Fair Comment

22. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 3 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in relation to a matter of legitimate public interest,

the 2020 Presidential Election, and made without any actual malice, and if factually incorrect, were not made with knowledge of their falsity or reckless disregard for the truth.

Noerr–Pennington Doctrine

23. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their Fifth Affirmative Defense to Count 3, that any and all alleged slander, as claimed by the Plaintiffs, involve activities by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, directed towards influencing government actions. Therefore, the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are immune to liability for such alleged torts pursuant to the *Noerr–Pennington* Doctrine as such allegations relate to influencing decision-making by government bodies.

24. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 3 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

25. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to

Count 3 that any recovery by Plaintiffs is barred by the Statute of Limitations

26. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their eighth Affirmative Defense to Count 3 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 4

Substantial Truth

27. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 4 that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made were substantially true.

Failure to Provide Notice of Retraction

28. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 4, that the Plaintiffs failed to provide notice to the Defendants to publish a retraction or allow a reasonable time to do so. Therefore, the Plaintiffs are prohibited from recovery of exemplary or punitive damages pursuant to Michigan Statute 600.2911 (2)(b).

Qualified Privilege

29. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 4, that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in good faith, related to matters of public importance, namely the 2020 presidential election voting system, made during the time that there was a dispute relating to the 2020 Presidential Election, where any such statements themselves were limited to a matter of public interest, namely the 2020 Presidential Election, and those statements were directed at the proper parties to whom such statements should be addressed, state legislatures and state senators. Hence, as alleged by the Plaintiffs, the Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, statements are privileged communications for which a qualified privilege arises.

Fair Comment

30. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 4, that any statements made by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, as alleged by the Plaintiffs were made in relation to a matter of legitimate public interest,

the 2020 Presidential Election, and made without any actual malice, and if factually incorrect, were not made with knowledge of their falsity or reckless disregard for the truth.

Noerr–Pennington Doctrine

31. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their Fifth Affirmative Defense to Count 4, that any and all alleged slander, as claimed by the Plaintiffs, involve activities by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, directed towards influencing government actions. Therefore, the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are immune to liability for such alleged torts pursuant to the *Noerr–Pennington* Doctrine as such allegations relate to influencing decision-making by government bodies.

32. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 4 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

33. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to

Count 4 that any recovery by Plaintiffs is barred by their own improper conduct or “unclean hands,” including conduct that caused or contributed to the damages Plaintiffs allege.

34. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their eighth Affirmative Defense to Count 4 that the Plaintiff’s claims are barred by the Statute of Limitations

35. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their ninth Affirmative Defense to Count 4 that the Plaintiff’s right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 5

Statute of Frauds

36. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 5 that no signed written contract existed between the Defendants and the Plaintiffs.

Illegality

37. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 5, that the alleged contract as claimed by the Plaintiffs, is to perform an illegal act, and therefore unenforceable.

38. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 5 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

39. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 5 that any recovery by Plaintiffs is barred by the Statute of Limitations

40. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fifth Affirmative Defense to Count 5 that the Plaintiff's claims are barred by the doctrine of laches.

41. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 5 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 6

Illegality

42. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count

6, that the alleged contract as claimed by the Plaintiffs, is to perform an illegal act, and therefore unenforceable.

Fraud or Misrepresentation

43. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 6, that the Plaintiffs fraudulently misrepresented their findings.

***Noerr–Pennington* Doctrine**

44. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 6, that any and all alleged tortious interference, as claimed by the Plaintiffs, involve activities by the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, directed towards influencing government actions. Therefore, the Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, are immune to liability for such alleged torts pursuant to the *Noerr–Pennington* Doctrine as such allegations relate to influencing decision-making by government bodies.

45. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 6 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to

the Plaintiffs' alleged injuries.

46. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fifth Affirmative Defense to Count 6 that any recovery by Plaintiffs is barred by the Statute of Limitations

47. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 6 that the Plaintiff's claims are barred by the doctrine of laches.

48. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to Count 6 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 7

Statute of Frauds

49. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 7 that no signed written contract existed between the Defendants and the Plaintiffs.

Fraud or Misrepresentation

50. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 7, that the Plaintiffs fraudulently misrepresented their findings.

51. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 7 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

52. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 7 that any recovery by Plaintiffs is barred by their own improper conduct or "unclean hands," including conduct that caused or contributed to the damages Plaintiffs allege.

53. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fifth Affirmative Defense to Count 7 that the Plaintiff's claims are barred by the Statute of Limitations.

54. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 7 that the Plaintiff's right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

Affirmative Defenses to Count 10

Fraud or Misrepresentation

55. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF

STEFANIE L. LAMBERT, PLLC, claim as their first Affirmative Defense to Count 10, that the Plaintiffs fraudulently misrepresented their findings.

Statute of Frauds

56. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their second Affirmative Defense to Count 10 that no signed written contract existed between the Defendants and the Plaintiffs.

Illegality

57. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their third Affirmative Defense to Count 10, that the alleged agreement as claimed by the Plaintiffs, is to perform an illegal act, and therefore unenforceable.

58. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fourth Affirmative Defense to Count 10 There is no causal connection between the Plaintiffs' alleged injuries and damages and any conduct of Defendant, as the Defendant in no way contributed to the Plaintiffs' alleged injuries.

59. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their fifth Affirmative Defense to Count 10 that any recovery by Plaintiffs is barred by their own improper conduct or

“unclean hands,” including conduct that caused or contributed to the damages Plaintiffs allege.

60. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their sixth Affirmative Defense to Count 10 that the Plaintiff’s claims are barred by the doctrine of laches.

61. The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC, claim as their seventh Affirmative Defense to Count 10 that the Plaintiff’s right to recovery, if any, must be offset by their failure to reasonably mitigate their alleged damages.

WHEREFORE, the Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC respectfully requests that this Honorable Court enter an order of dismissal with prejudice of the Complaint filed as against Defendants STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC award the Defendants costs and attorneys’ fees so wrongfully suffered, and grant such further and other relief as this Honorable Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

The Defendants, STEFANIE LAMBERT and THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC demand that this case be determined by a jury on all triable issues.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2025, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF to serve on all counsel of record.

/s/ David L. Perry II

David L. Perry II, Esquire
Fla Bar No. 1045902

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